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REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-24 remain pending and claims 18, 23 and 24 were amended. The specification was amended to add application serial numbers of related applications and to correct a typographical error.

In the non-Final Office Action of October 14, 2004, the Examiner objected to the title of the invention as allegedly not being descriptive; objected to claim 24 due to an alleged informality; rejected claims 1, 3-6, 7 and 9-11 under 35 U.S.C. 102(e) as allegedly being anticipated by published U.S. Patent Application No. 2002/0007276 to Rosenblatt et al. ("Rosenblatt"); rejected claims 18-20 and 22-24 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,289,085 to Miyashita et al. ("Miyashita"); rejected claims 2 and 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of U.S. Patent No. 5,857,099 to Mitchell et al. ("Mitchell")' rejected claims 12-15 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of U.S. Patent No. 6,393,107 to Ball et al. ("Ball"); rejected claims 16 and 17 under 35 U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Ball and further in view of Miyashita; and rejected claim 21 under 35 U.S.C. 103(a) as allegedly being unpatentable over Miyashita in view of Mitchell.

Objection to the Title of the Invention

On page 2 of the Office Action, the Examiner objected to the title of the invention as allegedly not being descriptive. By this amendment, Applicants amended the title of the invention and submit that the amended title of the invention is now descriptive and clearly indicative of the invention to which the claims are directed. Therefore, Applicants respectfully request that the objection to the title of the invention be withdrawn.

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Objection to Claim 24

On page 2 of the Office Action, the Examiner objected to claim 24 because it was

recited in the form of a dependent claim without a parent claim. Applicants amended claim

24 to depend from claim 23. Applicants, therefore, respectfully request that the objection to

claim 24 be withdrawn.

Rejection of Claims 1, 3-6, 7, and 9-11

On pages 2-3 of the Office Action, the Examiner rejected claims 1, 3-6, 7, and 9-11 as

allegedly being anticipated by Rosenblatt. Applicants traverse the rejection.

Independent claim 1 is directed to a method of delivering a multi-media message to a

recipient, where the multi-media message is created by a sender for delivery by an animated

entity. The method includes, among other things, recording an audio message from the

sender.

On page 3 of the Office Action, the Examiner asserted that Rosenblatt, at paragraph

0031, lines 4-8, discloses recording an audio message from the sender. Applicants

respectfully disagree.

Rosenblatt, at paragraph 0031, discloses:

> A further module which is part of yet another embodiment of the presently
> disclosed invention is a professional authoring tool intended for more
> sophisticated users. This module is an advanced tool for controlling the
> integration of virtual representatives into Web sites and email programs, and
> to create media files which are essentially scripts including text or recorded
> speech to be spoken and associated emotion or movement cues. The creator
> module provides integrated programming code for the production of these
> media files to be included in Web sites or documents which support Web
> browser commands.

Thus, Rosenblatt discloses a professional authoring tool for a sophisticated user. The

authoring tool controls the integration of virtual representatives into Web sites and email

programs and creates media files.

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It is clear from the above-cited portion of Rosenblatt that the professional authoring

tool is used by the sophisticated user to create pre-recorded media files which may be used

by other users. Applicants submit that Rosenblatt is devoid of disclosing recording an audio

message from the sender, as required by claim 1.

Because Rosenblatt does not disclose each and every feature of claim 1, Applicants

submit that claim 1 is not anticipated by Rosenblatt and respectfully request that the rejection

of claim 1 be withdrawn.

Claims 3-6 depend from claim 1 and are not anticipated by Rosenblatt for at least the

reasons discussed above with respect to claim 1. Applicants, therefore, respectfully request

that the rejection of claims 3-6 be withdrawn.

Independent claim 7 recites a feature similar to the previously-discussed feature of

claim 1. Therefore, Applicants submit that claim 7 is not anticipated by Rosenblatt for

reasons similar to those discussed above with respect to claim 1.

Claims 9-11 depend from independent claim 7 and are not anticipated by Rosenblatt

for at least the reasons provided with respect to claim 7. Therefore, Applicants respectfully

request that the rejection of claims 9-11 be withdrawn.

Rejection of Claims 18-20 and 22-24

On page 5 of the Office Action, the Examiner rejected claims 18-20 and 22-24 under

35 U.S.C. 102(e) as allegedly being anticipated by Miyashita. Applicants submit that

amended claim 18 obviates the rejection with respect to claims 18-20 and 22. Applicants

traverse the rejection with respect to claims 23 and 24.

Claim 18 is directed to a method of providing a synthesized voice with sender voice

characteristics. The method includes, among other things, receiving an audio recording,

associated with a message, from a sender.

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On page 5 of the Office Action, the Examiner asserted that Miyashita, at col. 10, lines

49-52, discloses receiving an audio recording from a sender. Miyashita, at col. 10, lines 49-

52 discloses:

> The voice font generation control part 362 prompts the user to input a voice
> which is necessary to extract phonemes of a vowel sound and a consonant and
> further controls the voice font generating part 360 to have it receive user's
> voice.

Thus, Miyashita discloses that a user's voice is input and characteristics of the voice are

extracted. However, the voice characteristics are stored and used to synthesize a voice for

any messages that are later received from the user (see Miyashita, col. 12, line 23 through

col. 13, line 14). In Miyashita, the recorded audio message from a sender is not associated

with a message, as required by claim 18.

Because Miyashita does not disclose each and every feature of claim 18, Applicants

submit that claim 18 is not anticipated by Miyashita and respectfully requests that the

rejection of claim 18 be withdrawn.

Claims 19, 20, and 22 depend from claim 18 and are not anticipated by Miyashita at

least for the reasons discussed above with respect to claim 18. Therefore, Applicants

respectfully request that the rejection of claims 19, 20, and 22 be withdrawn.

Claim 23 recites a feature similar to the previously-discussed feature of claim 18 and

therefore, is not anticipated by Miyashita for reasons similar to those provided with respect to

claim 18. Therefore, Applicants respectfully request that the rejection of claim 23 be

withdrawn. Claim 23 is amended only to provide antecedent basis and not for patentability

or to narrow the scope of the claim.

Claim 24 depends from claim 23 and is not anticipated by Miyashita at least for the

reasons provided with respect to claim 23. Applicants, therefore, respectfully request that the

rejection of claim 24 be withdrawn.

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Rejection of Claims 2 and 8

On pages 6-7 of the Office Action, the Examiner rejected claims 2 and 8 as allegedly

being unpatentable over Rosenblatt in view of Mitchell. Applicants respectfully traverse the

rejection.

Claim 2 depends from claim 1 and therefore, includes features not disclosed by

Rosenblatt for at least the reasons provided with respect to claim 1. Claim 2 further includes,

among other things, delivering a multi-media message to a recipient upon approval of a text

message from a sender.

On page 7 of the Office Action, the Examiner admitted that Rosenblatt does not

disclose delivering the multi-media message to the recipient upon approval of the text

message from the sender. The Examiner relied on Mitchell, at col. 8, lines 4-8, and col. 2,

lines 46-52, to disclose or suggest this feature. Applicants disagree.

Mitchell, at col. 8, lines 4-8, discloses:

> If no more dictated text is to be inserted in step S4, in step S10 the user can
> decide whether to correct recognition errors in the recognised [sic] text. If in
> step S10 it is decided by the user that they are to correct errors then the
> process moves to step S11 to correct the errors as will be described hereafter.

Thus, Mitchell discloses that the user is given an option to correct recognition errors in

dictated text.

Mitchell, at col. 2, lines 46-52, discloses:

> The processing means of the present invention can comprise any application
> running on a processor which enables character data from a speech
> recognition engine to be entered and manipulated, e.g. a word processor,
> presentation applications such as Microsoft PowerPoint (Trade Mark)
> spreadsheets such as Excel (Trade Mark), email applications and CAD
> applications.

Thus, Mitchell discloses that the processing means may include an email application that

permits entry of character data from a speech recognition engine.

Applicants submit that Mitchell discloses that after errors are corrected (S11 of Fig.

5), a context model may be updated (S12), and a corresponding document and audio data

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may be saved (S16-S19). Mitchell is completely silent regarding a disclosure or suggestion

of delivering the multi-media message to the recipient upon approval of the text message

from the sender. Applicants submit that a combination of Rosenblatt and Mitchell would

provide a multi-media message system that may save a message upon approval of the text

message from the sender.

For at least the above-mentioned reasons, Applicants submit that neither Rosenblatt

nor Mitchell disclose or suggest, either separately or in any combination, delivering the

multi-media message to the recipient with the animated entity speaking the recorded audio

message from the sender, upon approval of the text message from the sender, as required by

claim 2. Therefore, Applicants respectfully request that the rejection of claim 2 be

withdrawn.

Claim 8 depends from claim 7 and further includes, among other things, after

receiving approval from the sender for the text message, using the text message to coordinate

mouth movements.

On pages 7 and 8 of the Office Action, the Examiner asserted that Rosenblatt, at

paragraph 0028, lines 14-18, discloses this feature. Applicants disagree.

Rosenblatt, at paragraph 0028, lines 14-18, discloses:

> In a second generation a data set including voice and the geometry of mouth
> postures in time will be acquired and used to develop a "viseme guesser" that
> will transform directly voice to visemes without going through the
> intermediate generation of phonemes.

Thus, Rosenblatt appears to disclose coordinating mouth movements. However, Rosenblatt

is completely silent regarding a disclosure or suggestion of, after receiving approval from the

sender for the text message, using the text message to coordinate mouth movements for the

animated entity.

As discussed previously, Mitchell discloses that the user is given an option to correct

recognition errors in dictated text. Applicants submit that Mitchell discloses that after errors

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are corrected (S11 of Fig. 5), a context model may be updated (S12), and a corresponding

document and audio data may be saved (S16-S19). Mitchell is completely silent regarding a

disclosure or suggestion of, after receiving approval from the sender for the text message,

using the text message to coordinate mouth movements for the animated entity. Applicants

submit that a combination of Rosenblatt and Mitchell would provide a multi-media message

system that would save a message after receiving approval from the sender for the text

message.

For at least the above-mentioned reasons, Applicants submit that neither Rosenblatt

nor Mitchell disclose or suggest, either separately or in any combination, after receiving

approval from the sender for the text message, using the text message to coordinate mouth

movements for the animated entity, as required by claim 8. Therefore, Applicants

respectfully request that the rejection of claim 8 be withdrawn.

Rejection of Claims 12-15

On page 8 of the Office Action, the Examiner rejected claims 12-15 as allegedly

being unpatentable over Rosenblatt in view of Ball. Applicants respectfully traverse the

rejection.

Independent claim 12 is directed to a method of delivering a multi-media message to

a recipient, where the multi-media message is created by a sender for delivery by an

animated entity. The method includes, among other things, recording a sender audio

message corresponding to a text message.

On page 9 of the Office Action, the Examiner admitted that Rosenblatt fails to

disclose the above feature of claim 12. The Examiner relied on Ball, at col. 3, lines 43-48, to

disclose recording a sender audio message corresponding to the text message, as required by

claim 12. Applicants disagree with the Examiner.

Ball, at col. 3, lines 43-48, discloses:

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> Through the input of textual files, previously recorded audio fragments, as
> well as contemporaneously recorded fragments, the sender is able to formulate
> the structured message. Alternatively, the structured message could be
> created "by hand" with a text editor and an audio file recording utility.

Thus, Ball discloses that a sender is able to prepare a structured message with textual files

and audio fragments. Nothing in Ball discloses or suggests that the recorded audio fragments

correspond to a text message.

> Ball, at col. 3, lines 26-32, discloses:

> Thus, for example, for a structured PML-formatted message including
> fragments of text and attached audio files, the message is formulated by
> converting the text to speech using a text-to-speech processor, and inserting
> the appropriate audio file(s) during the play-out to the recipient in the proper
> sequence, as determined by the embedded instructions within the PML-
> formatted message.

Thus, Ball discloses that a structured message may include text fragments and audio files.

The message may be formulated by converting the text to speech using a text-to-speech-

processor and inserting appropriate audio file(s) during the play-out to the recipient. The

speech corresponding to the text is produced by a text-to-speech processor and is not the

result of recording a sender audio message corresponding to the text message.

For at least the reasons discussed above, Applicants submit that neither Rosenblatt

nor Ball disclose or suggest, either separately or in any combination, recording a sender

audio message corresponding to the text message, as required by claim 12. Therefore,

Applicants respectfully request that the rejection of claim 12 be withdrawn.

Claims 13 and 14 depend from claim 12 and are patentable over Rosenblatt in view of

Ball for at least the reasons provided with respect to claim 12. Therefore, Applicants

respectfully request that the rejection of claims 13 and 14 be withdrawn.

Further, with respect to claim 14, on page 9 of the Office Action the Examiner

admitted that Rosenblatt does not disclose recording the sender audio message corresponding

to the text message after the sender makes a request to input an audible version of the text

message, as required by claim 14, but that Ball discloses this feature at col. 27, lines 16-20.

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Ball, at col. 27, lines 16-20, discloses:

By activating an audio recorder through button 1010, the sender can record,
using a microphone associated with the client terminal, one or more audio
clips that can be incorporated into the message and affixed to the message as
audio data files.

Applicants submit that the above portion of Ball discloses that the sender can record audio

clips. However, there is nothing in Ball that discloses or suggests that the audio clips

correspond to an audible version of the text message. Apparently, the Examiner read this

feature into Ball in view of the claim 14.

Claim 15 is similar to claim 12 and is patentable over Rosenblatt in view of Ball for

reasons similar to those provided with respect to claim 12. Therefore, Applicants

respectfully request that the rejection of claim 15 be withdrawn.

Rejection of Claims 16 and 17

On page 11 of the Office Action, the Examiner rejected claims 16 and 17 under 35

U.S.C. 103(a) as allegedly being unpatentable over Rosenblatt in view of Ball and further in

view of Miyashita. Applicants respectfully traverse the rejection.

Claim 16 is directed to a method of sending a multi-media message from a sender to a

recipient using an animated entity, where the sender chooses the animated entity from a

group of animated entities. The method includes, among other things, recording a sender

audio message corresponding to a text message.

On page 11 of the Office Action, the Examiner admitted that Rosenblatt fails to

disclose recording a sender audio message corresponding to a text message, as required by

claim 16. The Examiner asserted that Ball, at col.3, lines 43-48, discloses this feature.

Applicants disagree.

For at least the reasons provided with respect to the rejection of claim 12, above, Ball

does not disclose or suggest recording a sender audio message corresponding to a text

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message, as required by claim 16. Applicants further submit that Miyashita also does not

disclose or suggest this feature.

Because Rosenblatt, Ball, and Miyashita do not disclose or suggest, either separately

or in any combination, recording a sender audio message corresponding to a text message, as

required by claim 16, Applicants submit that claim 16 is patentable over Rosenblatt, Ball,

and Miyashita and respectfully request that the rejection of claim 16 be withdrawn.

Claim 17 depends from claim 16 and is patentable over Rosenblatt, Ball, and

Miyashita for at least the reasons provided with respect to claim 16. Therefore, Applicants

respectfully request that the rejection of claim 17 be withdrawn.

Rejection of Claim 21

On page 12 of the Office Action, the Examiner rejected claim 21 as allegedly being

unpatentable over Miyashita in view of Mitchell. Applicants respectfully traverse the

rejection.

Claim 21 depends from claim 18 and further includes, after receiving the audio

recording, using an automatic speech recognizer and presenting a text version of the audio

recording to the sender for approval before parameterizing the audio recording.

On page 12 of the Office Action, the Examiner admitted that Miyashita does not

disclose the above-mentioned feature of claim 21. The Examiner asserted that Mitchell

discloses this feature at col. 8, lines 4-8. Applicants disagree.

Mitchell, at col. 8, lines 4-8, discloses:

> If no more dictated text is to be inserted in step S4, in step S10 the user can
> decide whether to correct recognition errors in the recognised [sic] text. If in
> step S10 it is decided by the user that they are to correct errors then the
> process moves to step S11 to correct the errors as will be described hereafter.

Thus, Mitchell discloses that the user is given an option to correct recognition errors in

dictated text.

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Applicants submit that <u>Mitchell</u> discloses that after errors are corrected (S11 of Fig.

5), a context model may be updated (S12), and a corresponding document and audio data

may be saved (S16-S19). <u>Mitchell</u> is completely silent regarding a disclosure or suggestion

of, after receiving the audio recording, using an automatic speech recognizer and presenting a

text version of the audio recording to the sender for approval before parameterizing the audio

recording. In fact, <u>Mitchell</u>, is completely silent regarding parameterization of the audio

recording.

Applicants further submit that a combination of <u>Miyashita</u> and <u>Mitchell</u> would

provide a method in which speech is converted to text and parameterized, and upon

correction of any errors in the text, information would be saved.

For at least the reasons provided above, Applicants submit that neither <u>Miyashita</u> nor

<u>Mitchell</u>, disclose or suggest, either separately or in any combination, after receiving the

audio recording, using an automatic speech recognizer and presenting a text version of the

audio recording to the sender for approval before parameterizing the audio recording, as

required by claim 21. Therefore, Applicants respectfully request that the rejection of claim

21 be withdrawn.

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CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the

subject application is in condition for allowance and a Notice to that effect is earnestly

solicited.

Respectfully submitted,

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